



Alabama State Board of Auctioneers

2777 Zelda Rd

Montgomery, AL 36106

Phone: 334-420-7235

Fax: 334-263-6115

Email: auctioneers@alstateboard.com

Website: www.auctioneer.alabama.gov

MINUTES Board Meeting October 13, 2015

The Alabama State Board of Auctioneers met on Tuesday, October 13, 2015 at the Board offices in Montgomery. Those in attendance were Mr. Ken Garner (Chair), Mr. Bryan Knox (member), Mr. Erskine Valrie (member), Mr. Michael Langford (member), Ms. Christie Ray (member), Mr. Pete Horton (member) and Mr. Keith Baldwin (member). Board member not in attendance was Mr. Bryant Wood. Also present were Mr. Keith Warren (Executive Director), Ms. Dana Billingsley (Board Counsel), Hope Paulene (Administrator), Mike James (Investigator) and Ms. Renee' Reames (Executive Secretary to Mr. Warren). The Board, consisting of a quorum, continued with a voting meeting.

The meeting was called to order at 9:00 a.m.

The regularly scheduled meeting was advertised on the Board's web site, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.state.al.us, in accordance with the Alabama Open Meetings Act. Mr. Garner welcomed those present at the meeting. The Pledge of Allegiance was recited by attendees and a word of prayer was given at the opening of the meeting. Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

The copy of the July 21, 2015 Board meeting minutes was submitted to the Board members prior to the meeting for their review. Mr. Valrie made the motion to accept the July meeting minutes as corrected. The motion was seconded by Ms. Ray and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report to include financial activities and fund balance as of September 30, 2015 (report is available for viewing in the Board's official Book of Minutes). Also included in his report were the total number of licensees and number of complaints received and closed.

Mr. Warren reported on the Board activities and projects:

- (1) Meeting planned with ISD regarding the licensee database and payments online;
- (2) Meeting rescheduled with the Governor's office regarding Board appointments;
- (3) Draft of 2016 proposed legislation would be based on the proposed 2015 bill;
- (4) Sunset Committee meeting scheduled October 22, 2015 and Board participation;
- (5) Auditors review of the adjusted reciprocity fees as a significant issue in recent legal audit;

- (6) Budget delayed due to delays with the State transition from one fiscal year to another and new STAARS accounting system.
- (7) Amended Legal Service Contract and new contract approved and encumbered;
- (8) Examination questions received from Board members and to be submitted to Prov, with teleconference to follow to discuss further.
- (9) Board newsletter – articles due by November 1st.

Ms. Paulene presented the Board's activities regarding applications, examinations and licensees. She reported that late notices concerning renewals would be sent to licensees and she indicated that a number of licensees lacked continuing education credits delaying their renewal. She reported that, to help with the application process, a new checklist had been developed by Ms. Billingsley.

Ms. Billingsley presented the Legal Counsel Report. She presented the Administrative Law Judge's (ALJ) recommendation concerning Mickey A. Kirkland. Mr. Knox moved to accept the ALJ's Recommendation to include the maximum fine of \$500 for each of the three violations (\$1,500 total) and revocation of his apprentice auctioneer license. The motion was second by Mr. Langford and unanimously approved by the Board.

Ms. Billingsley also presented the consent agreement signed by Scott Rowe with Scott Rowe Auction and Sales in violation of negotiating contracts without being licensed as an auctioneer and auctioning without engaging the principal auctioneer. Mr. Knox made a motion to accept the consent agreement which included notification to cease and desist while unlicensed and a fine totaling \$1,000 to be paid in two installments. The motion was seconded by Mr. Baldwin and unanimously approved.

Ms. Billingsley reported that a judgment had been filed against Conrad Green and his fine had not been paid. She also reported that Ms. Brian Svencer and Mr. Michael Robuck were also sent delinquent fine notices and action would be filed against them if the fines were not paid.

Ms. Ray presented the Educational Committee report. She commented on the recent continuing education program sponsored by the Board, noting that of the 160 licensees registered to attend, approximately 80 attend to hear Mr. Mike Brandley speak on the topic of UCC and Case Law.

Ms. Ray suggested that, in the future, the Board work with the State Association in offering continuing education programs, rather than the Board offer CE hours. After a brief discuss, Mr. Garner called a recess at 9:23 a.m. of the Board's business meeting, for the Board members to participate in an Administrative Hearing.

Mr. Garner reconvened the meeting at 10:04 a.m. for an Administrative Hearing concerning Ms. Tommie Lynn Morrison. Judge Jerry Wood presided over the hearing and Ms. Morrison was present at the hearing and without legal counsel. At the conclusion of the hearing, Judge Wood adjourned the hearing at 11:17 a.m.

Following the Administrative Hearing, Mr. Garner reconvened the business meeting at 11:27 a.m. for a 10 minute break.

Mr. Garner reminded the Board about the discussion concerning the Board's involvement with the State Association in sponsoring continuing education programs. Mr. Warren stated that he would find out the limitations in the use of Board funds to participate in the State Association CE programs, e.g. sponsoring a booth, advertising, sponsor panel discussion, etc. Ms. Ray made the motion that the Board not sponsor

a 2016 CE program for licensees. The motion was seconded by Mr. Baldwin. Following discussion about State Association membership, Ms. Ray made a motion to withdraw her motion. The motion was seconded by Mr. Baldwin and unanimously approved by the Board. It was the consensus of the Board that Ms. Ray approach the State Association about working together in offering continuing education programs to licensees.

Mr. Warren presented two published Rules for the Board's consideration. He reviewed Rule 150-X-1-.08 Disciplinary Action and Appendices II Forms Associated with These Rules and Regulations for the Board's Final adoption. He reported that no comments had been received from the public concerning these published Rules. Mr. Langford made a motion to accept as Final Rule the two published Rules as presented. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Mr. Warren reported that he was continuing to work on obtaining comments from reciprocating states about accepting the continuing education hours obtained in the licensure state as part of the reciprocity agreement.

Mr. Warren also reported that he had not received any letters from licensees indicating interest in serving on the Board.

Mr. Warren reminded the Board about meeting with the Sunset Committee on October 22, 2015 and car-pooling to the meeting place.

Mr. Garner presented the proposed 2016 Board meeting dates for the Board's approval. Ms. Ray made a motion to approve the following dates for the Board to meet in 2016: January 19th, April 19th, July 26th, and October 18th. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Ms. Billingsley presented for the Board's approval the proposed new affidavit for the Principal Auctioneer and the new affidavit for the owner of the auction company. She recommended that these affidavits become part of the application and published for public comment. The Board discussed defining the corporate description, i.e., LLC vs Corporation and the principal auctioneer's affiliation to the auction company. Mr. Ray made a motion to approve the affidavits as presented. The motion was seconded by Mr. Langford and unanimously approved by the Board.

The next meeting of the Board is scheduled January 19, 2016 at 9:00 a.m.

There was no further business and Mr. Garner adjourned the meeting at 12:44 p.m.

Respectfully Submitted,



Ken Garner
Chair



Keith E. Warren
Executive Director

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